
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5366

State of Washington

62nd Legislature

2012 Regular Session

By Senate Transportation (originally sponsored by Senators Delvin, Hewitt, and Stevens)

READ FIRST TIME 02/02/12.

1 AN ACT Relating to regulating the use of off-road vehicles in
2 certain areas; amending RCW 46.09.360, 46.17.200, 46.17.350,
3 46.16A.080, 79A.80.010, and 46.37.010; reenacting and amending RCW
4 46.09.470, 46.63.020, and 43.84.092; adding a new section to chapter
5 46.04 RCW; adding a new section to chapter 46.61 RCW; adding a new
6 section to chapter 46.09 RCW; adding a new section to chapter 46.68
7 RCW; prescribing penalties; and providing an effective date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
10 to read as follows:

11 "Four-wheel all-terrain vehicle" means any motorized nonhighway
12 vehicle with handlebars that is fifty inches or less in width, has a
13 seat height of at least twenty inches, weighs less than one thousand
14 five hundred pounds, and has tires having a diameter of thirty inches
15 or less.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
17 to read as follows:

18 (1) A person may operate a four-wheel all-terrain vehicle as

1 defined in section 1 of this act upon any roadway of this state having
2 a speed limit of thirty-five miles per hour or less subject to the
3 following restrictions and requirements:

4 (a) A person may not operate a four-wheel all-terrain vehicle upon
5 state highways that are listed in chapter 47.17 RCW; however, a person
6 may operate a four-wheel all-terrain vehicle upon a segment of a state
7 highway listed in chapter 47.17 RCW if the segment is within the limits
8 of a city and the speed limit on the segment is thirty-five miles per
9 hour or less;

10 (b) A person may not operate a four-wheel all-terrain vehicle upon
11 a roadway of this state without first having obtained and having in
12 full force and effect a current and proper vehicle registration, and a
13 license plate in compliance with chapter 46.16A RCW. The license plate
14 must be displayed in compliance with chapter 46.16A RCW. A four-wheel
15 all-terrain vehicle may not be registered for commercial use;

16 (c) A person may not operate a four-wheel all-terrain vehicle upon
17 a roadway of this state without (i) first obtaining a valid driver's
18 license issued to Washington residents in compliance with chapter 46.20
19 RCW, or (ii) possessing a valid driver's license issued by the state of
20 the person's residence if the person is a nonresident;

21 (d) A person may not operate a four-wheel all-terrain vehicle
22 subject to registration under chapter 46.16A RCW on a roadway of this
23 state unless the person is insured under a motor vehicle liability
24 policy in compliance with chapter 46.30 RCW;

25 (e) A person operating a four-wheel all-terrain vehicle may not
26 cross a roadway with a speed limit in excess of thirty-five miles per
27 hour, unless the crossing begins and ends on a roadway, or an ORV trail
28 as defined in RCW 46.09.310, with a speed limit of thirty-five miles
29 per hour or less and occurs at an intersection of approximately ninety
30 degrees, except that the operator of a four-wheel all-terrain vehicle
31 may not cross at an uncontrolled intersection of a public highway
32 listed under chapter 47.17 RCW; and

33 (f)(i) A person may not operate a four-wheel all-terrain vehicle on
34 the roadways within the boundaries of a city with a population of
35 fifteen thousand or more unless the city by ordinance has approved the
36 operation of four-wheel all-terrain vehicles on city roadways.

37 (ii) The legislative body of a city with a population of less than

1 fifteen thousand may, by ordinance, designate a road or highway within
2 its boundaries to be unsuitable for use by four-wheel all-terrain
3 vehicles.

4 (iii) Any roadways authorized by a legislative body of a city under
5 (f)(i) of this subsection or designated as unsuitable under (f)(ii) of
6 this subsection must be listed publicly and made accessible from the
7 main page of the city web site.

8 (2) A person who operates a four-wheel all-terrain vehicle under
9 this section must pay the annual vehicle license fee required in RCW
10 46.17.350(1)(e) for the four-wheel all-terrain vehicle.

11 (3) Any four-wheel all-terrain vehicle operated under this section
12 must have:

13 (a) Headlights meeting the requirements of RCW 46.37.030 and
14 46.37.040 and used at all times when the vehicle is in motion upon a
15 highway;

16 (b) Tail lamps meeting the requirements of RCW 46.37.050 and used
17 at all times when the vehicle is in motion upon a highway;

18 (c) A stop lamp meeting the requirements of RCW 46.37.200;

19 (d) Reflectors meeting the requirements of RCW 46.37.060;

20 (e) Turn signals meeting the requirements of RCW 46.37.200;

21 (f) A mirror on both the left and right handlebar which must be
22 located to give the operator a complete view of the highway for a
23 distance of at least two hundred feet to the rear of the vehicle;

24 (g) A windshield, unless the operator wears glasses, goggles, or a
25 face shield while operating the vehicle, of a type conforming to rules
26 adopted by the Washington state patrol;

27 (h) A horn or warning device meeting the requirements of RCW
28 46.37.380;

29 (i) Brakes in working order;

30 (j) A spark arrester and muffling device meeting the requirements
31 of RCW 46.09.470; and

32 (k) Fenders adequate for minimizing the spray or splash of water,
33 rocks, or mud from the roadway. Fenders must be as wide as the tires
34 behind which they are mounted and extend downward at least half way to
35 the center of the axle.

36 (4) A person must certify under oath, on a form provided by the
37 department, that the equipment listed in subsection (3) of this section
38 has been installed on the four-wheel all-terrain vehicle and that the

1 equipment is operable. A person who makes a false statement regarding
2 the installation of the equipment listed in subsection (3) of this
3 section is guilty of false swearing, a gross misdemeanor, under RCW
4 9A.72.040.

5 (5) Every person operating a four-wheel all-terrain vehicle under
6 this section is granted all rights and is subject to all duties
7 applicable to the operator of a motorcycle under RCW 46.37.530 and
8 chapter 46.61 RCW, except that four-wheel all-terrain vehicles may not
9 be operated side-by-side in a single lane of traffic. Four-wheel all-
10 terrain vehicles are subject to chapter 46.55 RCW.

11 (6) Any person who violates this section commits a traffic
12 infraction.

13 (7) Accidents must be recorded and tracked in compliance with
14 chapter 46.52 RCW. An accident report must indicate and be tracked
15 separately when any of the vehicles involved are a four-wheel all-
16 terrain vehicle.

17 (8) Local authorities may not establish requirements for the
18 registration of four-wheel all-terrain vehicles.

19 **Sec. 3.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read
20 as follows:

21 (1) Notwithstanding any of the provisions of this chapter, any
22 city, county, or other political subdivision of this state, or any
23 state agency, may regulate the operation of nonhighway vehicles on
24 public lands, waters, and other properties under its jurisdiction, and
25 on streets, roads, or highways within its boundaries as outlined in
26 this section, by adopting regulations or ordinances of its governing
27 body, provided such regulations are not less stringent than the
28 provisions of this chapter. However, the legislative body of a:

29 (a) City with a population of ((less)) fewer than three thousand
30 persons, or of a county with a population of no more than five thousand
31 persons, may, by ordinance, designate a street, road, or highway within
32 its boundaries to be suitable for use by off-road vehicles(~~(. The~~
33 ~~legislative body of a)); and~~

34 (b) County with a population of more than five thousand persons
35 may, by ordinance, designate a road or highway within its boundaries to
36 be suitable for use by off-road vehicles if the road or highway is a

1 direct connection between a city with a population of (~~less~~) fewer
2 than three thousand persons and an off-road vehicle recreation
3 facility.

4 (2) For purposes of subsection (1)(a) and (b) of this section,
5 "off-road vehicles" does not include four-wheel all-terrain vehicles as
6 defined in section 1 of this act.

7 **Sec. 4.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to read
8 as follows:

9 (1) In addition to all other fees and taxes required by law, the
10 department, county auditor or other agent, or subagent appointed by the
11 director shall charge:

12 (a) The following license plate fees for each license plate, unless
13 the owner or type of vehicle is exempt from payment:

14 FEE TYPE	FEE	DISTRIBUTION
15 Reflectivity	\$ 2.00	RCW 46.68.070
16 Replacement	\$ 10.00	RCW 46.68.070
17 <u>Replacement, four-wheel all-terrain vehicle</u>	<u>\$ 2.00</u>	<u>Section 11 of this act</u>
18 Replacement, motorcycle	\$ 2.00	RCW 46.68.070
19 Original issue, moped	\$1.50	RCW 46.68.070

20 (b) A license plate retention fee, as required under RCW
21 46.16A.200(10)(~~(a)(iii)~~) (c), of twenty dollars if the owner wishes
22 to retain the current license plate number upon license plate
23 replacement, unless the owner or type of vehicle is exempt from
24 payment. The twenty dollar fee must be deposited in the multimodal
25 transportation account created in RCW 47.66.070.

26 (c) A ten dollar license plate transfer fee, as required under RCW
27 46.16A.200(8)(a), when transferring standard issue license plates from
28 one vehicle to another, unless the owner or type of vehicle is exempt
29 from payment. The ten dollar license plate transfer fee must be
30 deposited in the motor vehicle fund created in RCW 46.68.070.

31 (d) Former prisoner of war license plates, as described in RCW
32 46.18.235, may be transferred to a replacement vehicle upon payment of
33 a five dollar license plate fee, in addition to any other fee required
34 by law.

1 (2) The department may, upon request, provide license plates that
 2 have been used and returned to the department to individuals for
 3 nonvehicular use. The department may charge a fee of up to five
 4 dollars per license plate to cover costs or recovery for postage and
 5 handling. The department may waive the fee for license plates used in
 6 educational projects and may, by rule, provide standards for the fee
 7 waiver and restrictions on the number of license plates provided to any
 8 one person. The fee must be deposited in the motor vehicle fund
 9 created in RCW 46.68.070.

10 **Sec. 5.** RCW 46.17.350 and 2010 c 161 s 531 are each amended to
 11 read as follows:

12 (1) Before accepting an application for a vehicle registration, the
 13 department, county auditor or other agent, or subagent appointed by the
 14 director shall require the applicant, unless specifically exempt, to
 15 pay the following vehicle license fee by vehicle type:

16	VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
17	(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
18	(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
19	(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
20	(d) For hire vehicle, six seats	\$ 30.00	\$ 30.00	RCW 46.68.030
21	or less			
22	(e) <u>Four-wheel all-terrain</u>	<u>\$ 30.00</u>	<u>\$ 30.00</u>	<u>Section 11 of this act</u>
23	<u>vehicle</u>			
24	(f) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
25	((f)) (g) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
26	((g)) (h) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
27	((h)) (i) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
28	((i)) (j) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
29	((j)) (k) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
30	((k)) (l) Private use single-	\$ 15.00	\$ 15.00	RCW 46.68.035(2)
31	axle trailer			
32	((l)) (m) Snowmobile	\$ 30.00	\$ 30.00	RCW 46.68.350
33	((m)) (n) Snowmobile,	\$ 12.00	\$ 12.00	RCW 46.68.350
34	vintage			
35	((n)) (o) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030

1	((p)) (p) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
2	((q)) (q) Trailer, over 2000	\$ 30.00	\$ 30.00	RCW 46.68.030
3	pounds			
4	((r)) (r) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

5 (2) The vehicle license fee required in subsection (1) of this
6 section is in addition to the filing fee required under RCW 46.17.005,
7 and any other fee or tax required by law.

8 **Sec. 6.** RCW 46.16A.080 and 2011 c 171 s 45 are each amended to
9 read as follows:

10 The following vehicles are not required to be registered under this
11 chapter:

12 (1) Converter gears used to convert a semitrailer into a trailer or
13 a two-axle truck or tractor into a three or more axle truck or tractor
14 or used in any other manner to increase the number of axles of a
15 vehicle;

16 (2) Electric-assisted bicycles;

17 (3)(a) Farm implements, tractors, trailers, and other farm vehicles
18 (i) operated within a radius of fifteen miles of the farm where it is
19 principally used or garaged, including trailers designed as cook or
20 bunk houses, (ii) used exclusively for animal herding, and (iii)
21 temporarily operating or drawn upon the public highways, and (b)
22 trailers used exclusively to transport farm implements from one farm to
23 another during daylight hours or at night when the trailer is equipped
24 with lights that comply with applicable law;

25 (4) Forklifts operated during daylight hours on public highways
26 adjacent to and within five hundred feet of the warehouses they serve;

27 (5) Golf carts, as defined in RCW 46.04.1945, operating within a
28 designated golf cart zone as described in RCW 46.08.175;

29 (6) Motor vehicles operated solely within a national recreation
30 area that is not accessible by a state highway, including motorcycles,
31 motor homes, passenger cars, and sport utility vehicles. This
32 exemption applies only after initial registration;

33 (7) Motorized foot scooters;

34 (8) Nurse rigs or equipment auxiliary for the use of and designed
35 or modified for the fueling, repairing, or loading of spray and

1 fertilizer applicator rigs and not used, designed, or modified
2 primarily for the purpose of transportation;

3 (9) Off-road vehicles operated on a street, road, or highway as
4 authorized under RCW 46.09.360, or nonhighway roads under RCW
5 46.09.450. For purposes of this subsection "off-road vehicles" does
6 not include four-wheel all-terrain vehicles registered for use under
7 section 2 of this act;

8 (10) Special highway construction equipment;

9 (11) Dump trucks and tractor-dump trailer combinations that are:
10 (a) Designed and used primarily for construction work on highways;
11 (b) Not designed or used primarily for the transportation of
12 persons or property on a public highway; and
13 (c) Only incidentally operated or moved over the highways;

14 (12) Spray or fertilizer applicator rigs designed and used
15 exclusively for spraying or fertilization in the conduct of
16 agricultural operations and not primarily for the purpose of
17 transportation;

18 (13) Tow dollies;

19 (14) Trams used for transporting persons to and from facilities
20 related to the horse racing industry as regulated in chapter 67.16 RCW,
21 as long as the public right-of-way routes over which the trams operate
22 are not more than one mile from end to end, the public rights-of-way
23 over which the tram operates have average daily traffic of not more
24 than fifteen thousand vehicles per day, and the activity is in
25 conformity with federal law. The operator must be a licensed driver
26 and at least eighteen years old. For the purposes of this section,
27 "tram" also means a vehicle, or combination of vehicles linked together
28 with a single mode of propulsion, used to transport persons from one
29 location to another; and

30 (15) Vehicles used by the state parks and recreation commission
31 exclusively for park maintenance and operations upon public highways
32 within state parks.

33 **Sec. 7.** RCW 79A.80.010 and 2011 c 320 s 2 are each amended to read
34 as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

1 (1) "Agency" or "agencies" means the department of fish and
2 wildlife, the department of natural resources, and the parks and
3 recreation commission.

4 (2) "Annual natural investment permit" means the annual permit
5 issued by the parks and recreation commission for the purpose of
6 launching boats from the designated state parks boat launch sites.

7 (3) "Camper registration" means proof of payment of a camping fee
8 on recreational lands managed by the parks and recreation commission.

9 (4) "Day-use permit" means the permit created in RCW 79A.80.030.

10 (5) "Discover pass" means the annual pass created in RCW
11 79A.80.020.

12 (6) "Motor vehicle" has the same meaning as defined in RCW
13 46.04.320 and which are required to be registered under chapter 46.16A
14 RCW. "Motor vehicle" does not include those motor vehicles exempt from
15 registration under RCW 46.16A.080, four-wheel all-terrain vehicles
16 registered for use under section 2 of this act, and state and publicly
17 owned motor vehicles as provided in RCW 46.16A.170.

18 (7) "Recreation site or lands" means a state park or fish and
19 wildlife conservation sites including water access areas, boat ramps,
20 wildlife areas, parking areas, roads, and trailheads, or department of
21 natural resources developed or designated recreation areas, sites,
22 trailheads, and parking areas.

23 (8) "Sno-park seasonal permit" means the seasonal permit issued by
24 the parks and recreation commission for providing access to winter
25 recreational facilities for the period of November 1st through March
26 31st.

27 (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.09 RCW
29 to read as follows:

30 (1) A person may not operate a nonhighway vehicle on public lands
31 unless the area is designated by the land manager as open for
32 nonhighway vehicle use.

33 (2) A violation of this section is a traffic infraction with a
34 penalty of up to five hundred dollars.

35 **Sec. 9.** RCW 46.09.470 and 2011 c 171 s 28 and 2011 c 121 s 4 are
36 each reenacted and amended to read as follows:

1 (1) Except as provided in subsection (4) of this section, it is a
2 traffic infraction for any person to operate any nonhighway vehicle:

3 (a) In such a manner as to endanger the property of another;

4 (b) On lands not owned by the operator or owner of the nonhighway
5 vehicle without a lighted headlight and taillight between the hours of
6 dusk and dawn, or when otherwise required for the safety of others
7 regardless of ownership;

8 (c) On lands not owned by the operator or owner of the nonhighway
9 vehicle without an adequate braking device or when otherwise required
10 for the safety of others regardless of ownership;

11 (d) Without a spark arrester approved by the department of natural
12 resources;

13 (e) Without an adequate, and operating, muffling device which
14 effectively limits vehicle noise to no more than eighty-six decibels on
15 the "A" scale at fifty feet as measured by the Society of Automotive
16 Engineers (SAE) test procedure J 331a, except that a maximum noise
17 level of one hundred and five decibels on the "A" scale at a distance
18 of twenty inches from the exhaust outlet shall be an acceptable
19 substitute in lieu of the Society of Automotive Engineers test
20 procedure J 331a when measured:

21 (i) At a forty-five degree angle at a distance of twenty inches
22 from the exhaust outlet;

23 (ii) With the vehicle stationary and the engine running at a steady
24 speed equal to one-half of the manufacturer's maximum allowable ("red
25 line") engine speed or where the manufacturer's maximum allowable
26 engine speed is not known the test speed in revolutions per minute
27 calculated as sixty percent of the speed at which maximum horsepower is
28 developed; and

29 (iii) With the microphone placed ten inches from the side of the
30 vehicle, one-half way between the lowest part of the vehicle body and
31 the ground plane, and in the same lateral plane as the rearmost exhaust
32 outlet where the outlet of the exhaust pipe is under the vehicle;

33 (f) On lands not owned by the operator or owner of the nonhighway
34 vehicle upon the shoulder or inside bank or slope of any nonhighway
35 road or highway, or upon the median of any divided highway;

36 (g) On lands not owned by the operator or owner of the nonhighway
37 vehicle in any area or in such a manner so as to unreasonably expose

1 the underlying soil, or to create an erosion condition, or to injure,
2 damage, or destroy trees, growing crops, or other vegetation;

3 (h) On lands not owned by the operator or owner of the nonhighway
4 vehicle or on any nonhighway road or trail, when these are restricted
5 to pedestrian or animal travel;

6 (i) On any public lands in violation of rules and regulations of
7 the agency administering such lands; and

8 (j) On a private nonhighway road in violation of RCW 46.09.450(3).

9 (2) It is a misdemeanor for any person to operate any nonhighway
10 vehicle while under the influence of intoxicating liquor or a
11 controlled substance.

12 (3)(a) Except for an off-road vehicle equipped with seat belts and
13 roll bars or an enclosed passenger compartment, it is a traffic
14 infraction for any person to operate or ride an off-road vehicle on a
15 nonhighway road without wearing upon his or her head a motorcycle
16 helmet fastened securely while in motion. For purposes of this
17 section, "motorcycle helmet" has the same meaning as provided in RCW
18 46.37.530.

19 (b) Subsection (3)(a) of this section does not apply to an off-road
20 vehicle operator operating on his or her own land.

21 (c) Subsection (3)(a) of this section does not apply to an off-road
22 vehicle operator operating on agricultural lands owned or leased by the
23 off-road vehicle operator or the operator's employer.

24 (4) It is not a traffic infraction to operate an off-road vehicle
25 on a street, road, or highway as authorized under RCW 46.09.360 (~~(e)~~),
26 46.61.705, or section 2 of this act.

27 **Sec. 10.** RCW 46.63.020 and 2010 c 252 s 3, 2010 c 161 s 1125, and
28 2010 c 8 s 9077 are each reenacted and amended to read as follows:

29 Failure to perform any act required or the performance of any act
30 prohibited by this title or an equivalent administrative regulation or
31 local law, ordinance, regulation, or resolution relating to traffic
32 including parking, standing, stopping, and pedestrian offenses, is
33 designated as a traffic infraction and may not be classified as a
34 criminal offense, except for an offense contained in the following
35 provisions of this title or a violation of an equivalent administrative
36 regulation or local law, ordinance, regulation, or resolution:

- 1 (1) RCW 46.09.470(2) relating to the operation of a nonhighway
2 vehicle while under the influence of intoxicating liquor or a
3 controlled substance;
- 4 (2) RCW 46.09.480 relating to operation of nonhighway vehicles;
- 5 (3) RCW 46.10.490(2) relating to the operation of a snowmobile
6 while under the influence of intoxicating liquor or narcotics or habit-
7 forming drugs or in a manner endangering the person of another;
- 8 (4) RCW 46.10.495 relating to the operation of snowmobiles;
- 9 (5) Chapter 46.12 RCW relating to certificates of title,
10 registration certificates, and markings indicating that a vehicle has
11 been destroyed or declared a total loss;
- 12 (6) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
13 taxes and fees by failure to register a vehicle and falsifying
14 residency when registering a motor vehicle;
- 15 (7) RCW 46.16A.520 relating to permitting unauthorized persons to
16 drive;
- 17 (8) RCW 46.16A.320 relating to vehicle trip permits;
- 18 (9) RCW 46.19.050 relating to knowingly providing false information
19 in conjunction with an application for a special placard or license
20 plate for disabled persons' parking;
- 21 (10) RCW 46.20.005 relating to driving without a valid driver's
22 license;
- 23 (11) RCW 46.20.091 relating to false statements regarding a
24 driver's license or instruction permit;
- 25 (12) RCW 46.20.0921 relating to the unlawful possession and use of
26 a driver's license;
- 27 (13) RCW 46.20.342 relating to driving with a suspended or revoked
28 license or status;
- 29 (14) RCW 46.20.345 relating to the operation of a motor vehicle
30 with a suspended or revoked license;
- 31 (15) RCW 46.20.410 relating to the violation of restrictions of an
32 occupational driver's license, temporary restricted driver's license,
33 or ignition interlock driver's license;
- 34 (16) RCW 46.20.740 relating to operation of a motor vehicle without
35 an ignition interlock device in violation of a license notation that
36 the device is required;
- 37 (17) RCW 46.20.750 relating to circumventing an ignition interlock
38 device;

1 (18) RCW 46.25.170 relating to commercial driver's licenses;
2 (19) Chapter 46.29 RCW relating to financial responsibility;
3 (20) RCW 46.30.040 relating to providing false evidence of
4 financial responsibility;
5 (21) RCW 46.35.030 relating to recording device information;
6 (22) RCW 46.37.435 relating to wrongful installation of
7 suncreening material;
8 (23) RCW 46.37.650 relating to the sale, resale, distribution, or
9 installation of a previously deployed air bag;
10 (24) RCW 46.37.671 through 46.37.675 relating to signal preemption
11 devices;
12 (25) RCW 46.44.180 relating to operation of mobile home pilot
13 vehicles;
14 (26) RCW 46.48.175 relating to the transportation of dangerous
15 articles;
16 (27) RCW 46.52.010 relating to duty on striking an unattended car
17 or other property;
18 (28) RCW 46.52.020 relating to duty in case of injury to or death
19 of a person or damage to an attended vehicle;
20 (29) RCW 46.52.090 relating to reports by repairers, storage
21 persons, and appraisers;
22 (30) RCW 46.52.130 relating to confidentiality of the driving
23 record to be furnished to an insurance company, an employer, and an
24 alcohol/drug assessment or treatment agency;
25 (31) RCW 46.55.020 relating to engaging in the activities of a
26 registered tow truck operator without a registration certificate;
27 (32) RCW 46.55.035 relating to prohibited practices by tow truck
28 operators;
29 (33) RCW 46.55.300 relating to vehicle immobilization;
30 (34) RCW 46.61.015 relating to obedience to police officers,
31 flaggers, or firefighters;
32 (35) RCW 46.61.020 relating to refusal to give information to or
33 cooperate with an officer;
34 (36) RCW 46.61.022 relating to failure to stop and give
35 identification to an officer;
36 (37) RCW 46.61.024 relating to attempting to elude pursuing police
37 vehicles;

1 (38) RCW 46.61.212(4) relating to reckless endangerment of
2 emergency zone workers;
3 (39) RCW 46.61.500 relating to reckless driving;
4 (40) RCW 46.61.502 and 46.61.504 relating to persons under the
5 influence of intoxicating liquor or drugs;
6 (41) RCW 46.61.503 relating to a person under age twenty- one
7 driving a motor vehicle after consuming alcohol;
8 (42) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
9 (43) RCW 46.61.522 relating to vehicular assault;
10 (44) RCW 46.61.5249 relating to first degree negligent driving;
11 (45) RCW 46.61.527(4) relating to reckless endangerment of roadway
12 workers;
13 (46) RCW 46.61.530 relating to racing of vehicles on highways;
14 (47) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
15 load;
16 (48) RCW 46.61.685 relating to leaving children in an unattended
17 vehicle with the motor running;
18 (49) Section 2(4) of this act relating to a false statement
19 regarding the installation of equipment on four-wheel all-terrain
20 vehicles;
21 (50) RCW 46.61.740 relating to theft of motor vehicle fuel;
22 ((+50+)) (51) RCW 46.64.010 relating to unlawful cancellation of or
23 attempt to cancel a traffic citation;
24 ((+51+)) (52) RCW 46.64.048 relating to attempting, aiding,
25 abetting, coercing, and committing crimes;
26 ((+52+)) (53) Chapter 46.65 RCW relating to habitual traffic
27 offenders;
28 ((+53+)) (54) RCW 46.68.010 relating to false statements made to
29 obtain a refund;
30 ((+54+)) (55) Chapter 46.70 RCW relating to unfair motor vehicle
31 business practices, except where that chapter provides for the
32 assessment of monetary penalties of a civil nature;
33 ((+55+)) (56) Chapter 46.72 RCW relating to the transportation of
34 passengers in for hire vehicles;
35 ((+56+)) (57) RCW 46.72A.060 relating to limousine carrier
36 insurance;
37 ((+57+)) (58) RCW 46.72A.070 relating to operation of a limousine
38 without a vehicle certificate;

1 (~~(58)~~) (59) RCW 46.72A.080 relating to false advertising by a
2 limousine carrier;
3 (~~(59)~~) (60) Chapter 46.80 RCW relating to motor vehicle wreckers;
4 (~~(60)~~) (61) Chapter 46.82 RCW relating to driver's training
5 schools;
6 (~~(61)~~) (62) RCW 46.87.260 relating to alteration or forgery of a
7 cab card, letter of authority, or other temporary authority issued
8 under chapter 46.87 RCW;
9 (~~(62)~~) (63) RCW 46.87.290 relating to operation of an
10 unregistered or unlicensed vehicle under chapter 46.87 RCW.

11 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.68 RCW
12 to read as follows:

13 The multiuse roadway safety account is created in the motor vehicle
14 fund. All receipts from vehicle license fees under RCW 46.17.350(1)(e)
15 and replacement license plate fees for four-wheel all-terrain vehicles
16 under RCW 46.17.200(1) must be deposited into the account. Moneys in
17 the account may be spent only after appropriation. Expenditures from
18 the account may be used only for grants administered by the department
19 of transportation to: (1) Counties to perform safety engineering
20 analysis of mixed vehicle use on any road within a county; and (2)
21 local governments to provide funding to erect signs providing notice to
22 the motoring public that four-wheel all-terrain vehicles are present.

23 **Sec. 12.** RCW 46.37.010 and 2011 c 171 s 79 are each amended to
24 read as follows:

25 (1) It is a traffic infraction for any person to drive or move, or
26 for a vehicle owner to cause or knowingly permit to be driven or moved,
27 on any highway any vehicle or combination of vehicles that:

- 28 (a) Is in such unsafe condition as to endanger any person;
29 (b) Is not at all times equipped with such lamps and other
30 equipment in proper working condition and adjustment as required by
31 this chapter or by rules issued by the Washington state patrol;
32 (c) Contains any parts in violation of this chapter or rules issued
33 by the Washington state patrol.

34 (2) It is a traffic infraction for any person to do any act
35 forbidden or fail to perform any act required under this chapter or
36 rules issued by the Washington state patrol.

1 (3) Nothing contained in this chapter or the state patrol's
2 regulations shall be construed to prohibit the use of additional parts
3 and accessories on any vehicle not inconsistent with the provisions of
4 this chapter or the state patrol's regulations.

5 (4) The provisions of the chapter and the state patrol's
6 regulations with respect to equipment on vehicles shall not apply to
7 implements of husbandry, road machinery, road rollers, or farm tractors
8 except as herein made applicable.

9 (5) No owner or operator of a farm tractor, self-propelled unit of
10 farm equipment, or implement of husbandry shall be guilty of a crime or
11 subject to penalty for violation of RCW 46.37.160 as now or hereafter
12 amended unless such violation occurs on a public highway.

13 (6) It is a traffic infraction for any person to sell or offer for
14 sale vehicle equipment which is required to be approved by the state
15 patrol as prescribed in RCW 46.37.005 unless it has been approved by
16 the state patrol.

17 (7) The provisions of this chapter with respect to equipment
18 required on vehicles shall not apply to:

19 (a) Motorcycles or motor-driven cycles except as herein made
20 applicable;

21 (b) Golf carts, as defined in RCW 46.04.1945, operating within a
22 designated golf cart zone as described in RCW 46.08.175, except as
23 provided in RCW 46.08.175(8); and

24 (c) Four-wheel all-terrain vehicles that are registered for use
25 under section 2 of this act.

26 (8) This chapter does not apply to off-road vehicles used on
27 nonhighway roads or used on streets, roads, or highways as authorized
28 under RCW 46.09.360.

29 (9) This chapter does not apply to vehicles used by the state parks
30 and recreation commission exclusively for park maintenance and
31 operations upon public highways within state parks.

32 (10) Notices of traffic infraction issued to commercial drivers
33 under the provisions of this chapter with respect to equipment required
34 on commercial motor vehicles shall not be considered for driver
35 improvement purposes under chapter 46.20 RCW.

36 (11) Whenever a traffic infraction is chargeable to the owner or
37 lessee of a vehicle under subsection (1) of this section, the driver
38 shall not be arrested or issued a notice of traffic infraction unless

1 the vehicle is registered in a jurisdiction other than Washington
2 state, or unless the infraction is for an offense that is clearly
3 within the responsibility of the driver.

4 (12) Whenever the owner or lessee is issued a notice of traffic
5 infraction under this section the court may, on the request of the
6 owner or lessee, take appropriate steps to make the driver of the
7 vehicle, or any other person who directs the loading, maintenance, or
8 operation of the vehicle, a codefendant. If the codefendant is held
9 solely responsible and is found to have committed the traffic
10 infraction, the court may dismiss the notice against the owner or
11 lessee.

12 **Sec. 13.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.
13 c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s
14 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to
15 read as follows:

16 (1) All earnings of investments of surplus balances in the state
17 treasury shall be deposited to the treasury income account, which
18 account is hereby established in the state treasury.

19 (2) The treasury income account shall be utilized to pay or receive
20 funds associated with federal programs as required by the federal cash
21 management improvement act of 1990. The treasury income account is
22 subject in all respects to chapter 43.88 RCW, but no appropriation is
23 required for refunds or allocations of interest earnings required by
24 the cash management improvement act. Refunds of interest to the
25 federal treasury required under the cash management improvement act
26 fall under RCW 43.88.180 and shall not require appropriation. The
27 office of financial management shall determine the amounts due to or
28 from the federal government pursuant to the cash management improvement
29 act. The office of financial management may direct transfers of funds
30 between accounts as deemed necessary to implement the provisions of the
31 cash management improvement act, and this subsection. Refunds or
32 allocations shall occur prior to the distributions of earnings set
33 forth in subsection (4) of this section.

34 (3) Except for the provisions of RCW 43.84.160, the treasury income
35 account may be utilized for the payment of purchased banking services
36 on behalf of treasury funds including, but not limited to, depository,
37 safekeeping, and disbursement functions for the state treasury and

1 affected state agencies. The treasury income account is subject in all
2 respects to chapter 43.88 RCW, but no appropriation is required for
3 payments to financial institutions. Payments shall occur prior to
4 distribution of earnings set forth in subsection (4) of this section.

5 (4) Monthly, the state treasurer shall distribute the earnings
6 credited to the treasury income account. The state treasurer shall
7 credit the general fund with all the earnings credited to the treasury
8 income account except:

9 (a) The following accounts and funds shall receive their
10 proportionate share of earnings based upon each account's and fund's
11 average daily balance for the period: The aeronautics account, the
12 aircraft search and rescue account, the budget stabilization account,
13 the capital vessel replacement account, the capitol building
14 construction account, the Cedar River channel construction and
15 operation account, the Central Washington University capital projects
16 account, the charitable, educational, penal and reformatory
17 institutions account, the cleanup settlement account, the Columbia
18 river basin water supply development account, the Columbia river basin
19 taxable bond water supply development account, the Columbia river basin
20 water supply revenue recovery account, the common school construction
21 fund, the county arterial preservation account, the county criminal
22 justice assistance account, the county sales and use tax equalization
23 account, the deferred compensation administrative account, the deferred
24 compensation principal account, the department of licensing services
25 account, the department of retirement systems expense account, the
26 developmental disabilities community trust account, the drinking water
27 assistance account, the drinking water assistance administrative
28 account, the drinking water assistance repayment account, the Eastern
29 Washington University capital projects account, the Interstate 405
30 express toll lanes operations account, the education construction fund,
31 the education legacy trust account, the election account, the energy
32 freedom account, the energy recovery act account, the essential rail
33 assistance account, The Evergreen State College capital projects
34 account, the federal forest revolving account, the ferry bond
35 retirement fund, the freight congestion relief account, the freight
36 mobility investment account, the freight mobility multimodal account,
37 the grade crossing protective fund, the public health services account,
38 the health system capacity account, the high capacity transportation

1 account, the state higher education construction account, the higher
2 education construction account, the highway bond retirement fund, the
3 highway infrastructure account, the highway safety account, the high
4 occupancy toll lanes operations account, the hospital safety net
5 assessment fund, the industrial insurance premium refund account, the
6 judges' retirement account, the judicial retirement administrative
7 account, the judicial retirement principal account, the local leasehold
8 excise tax account, the local real estate excise tax account, the local
9 sales and use tax account, the marine resources stewardship trust
10 account, the medical aid account, the mobile home park relocation fund,
11 the motor vehicle fund, the motorcycle safety education account, the
12 multiagency permitting team account, the multimodal transportation
13 account, the multiuse roadway safety account, the municipal criminal
14 justice assistance account, the municipal sales and use tax
15 equalization account, the natural resources deposit account, the oyster
16 reserve land account, the pension funding stabilization account, the
17 perpetual surveillance and maintenance account, the public employees'
18 retirement system plan 1 account, the public employees' retirement
19 system combined plan 2 and plan 3 account, the public facilities
20 construction loan revolving account beginning July 1, 2004, the public
21 health supplemental account, the public transportation systems account,
22 the public works assistance account, the Puget Sound capital
23 construction account, the Puget Sound ferry operations account, the
24 Puyallup tribal settlement account, the real estate appraiser
25 commission account, the recreational vehicle account, the regional
26 mobility grant program account, the resource management cost account,
27 the rural arterial trust account, the rural mobility grant program
28 account, the rural Washington loan fund, the site closure account, the
29 skilled nursing facility safety net trust fund, the small city pavement
30 and sidewalk account, the special category C account, the special
31 wildlife account, the state employees' insurance account, the state
32 employees' insurance reserve account, the state investment board
33 expense account, the state investment board commingled trust fund
34 accounts, the state patrol highway account, the state route number 520
35 civil penalties account, the state route number 520 corridor account,
36 the state wildlife account, the supplemental pension account, the
37 Tacoma Narrows toll bridge account, the teachers' retirement system
38 plan 1 account, the teachers' retirement system combined plan 2 and

1 plan 3 account, the tobacco prevention and control account, the tobacco
2 settlement account, the transportation 2003 account (nickel account),
3 the transportation equipment fund, the transportation fund, the
4 transportation improvement account, the transportation improvement
5 board bond retirement account, the transportation infrastructure
6 account, the transportation partnership account, the traumatic brain
7 injury account, the tuition recovery trust fund, the University of
8 Washington bond retirement fund, the University of Washington building
9 account, the volunteer firefighters' and reserve officers' relief and
10 pension principal fund, the volunteer firefighters' and reserve
11 officers' administrative fund, the Washington judicial retirement
12 system account, the Washington law enforcement officers' and
13 firefighters' system plan 1 retirement account, the Washington law
14 enforcement officers' and firefighters' system plan 2 retirement
15 account, the Washington public safety employees' plan 2 retirement
16 account, the Washington school employees' retirement system combined
17 plan 2 and 3 account, the Washington state economic development
18 commission account, the Washington state health insurance pool account,
19 the Washington state patrol retirement account, the Washington State
20 University building account, the Washington State University bond
21 retirement fund, the water pollution control revolving fund, and the
22 Western Washington University capital projects account. Earnings
23 derived from investing balances of the agricultural permanent fund, the
24 normal school permanent fund, the permanent common school fund, the
25 scientific permanent fund, and the state university permanent fund
26 shall be allocated to their respective beneficiary accounts.

27 (b) Any state agency that has independent authority over accounts
28 or funds not statutorily required to be held in the state treasury that
29 deposits funds into a fund or account in the state treasury pursuant to
30 an agreement with the office of the state treasurer shall receive its
31 proportionate share of earnings based upon each account's or fund's
32 average daily balance for the period.

33 (5) In conformance with Article II, section 37 of the state
34 Constitution, no treasury accounts or funds shall be allocated earnings
35 without the specific affirmative directive of this section.

1 NEW SECTION. **Sec. 14.** This act takes effect March 1, 2013.

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